

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BARBARA MARQUEZ,

Plaintiff,

v.

ALBUQUERQUE PUBLIC SCHOOLS
and ALBUQUERQUE SCHOOL
BOARD,

Defendant.

No. 1:18-cv-00133-PJK-SCY

ORDER

THIS MATTER came on for consideration of the Pretrial Order (PTO) submitted by the parties, specifically a discovery matter. ECF No. 103 at 12–14. Defendant APS objects to the anticipated witnesses listed by Plaintiff in Section IX of the PTO: Sean Jimenez, Randy Gutierrez, Orlando Griego, James Chavez and Patricia Sumruld. It maintains that Plaintiff did not disclose these witnesses before. If Plaintiff is allowed to list these witnesses, APS requests that discovery be reopened so it may depose these witnesses, and any others necessitated by this late naming. APS further requests that it be allowed to call any necessary rebuttal witnesses. Essentially, Plaintiff responds that the identity of these witnesses was in material provided by APS or in its pleadings. Plaintiff

opposes allowing APS to depose the first two persons and urges that any depositions of the last three persons be limited.

Upon consideration thereof, the court requests that the magistrate judge reopen discovery for APS as it has requested (without the limitations suggested by the Plaintiff) and the court will allow APS to call any rebuttal witnesses necessitated by this development.

IT IS SO ORDERED.

DATED this 9th day of June 2020 at Santa Fe, New Mexico.

Paul Kelly, Jr.
United States Circuit Judge
Sitting by Designation